

Staff Summary Report



Hearing Officer Hearing Date: December 18, 2007

Agenda Item Number: 11

SUBJECT: This is a public hearing for a request by the **HAMM RESIDENCE (PL070516)** located at 9314 South Rita Lane for one (1) use permit.

DOCUMENT NAME: 20071218dsjc01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **HAMM RESIDENCE (PL070516)** (Dan Uribe/Uribe Ink Design Studios LLC/Southwest Ramadas, applicant; Kirt Hamm, property owner) located at 9314 South Rita Lane in the AG, Agricultural District for:

ZUP07192 Use permit to allow a unattached accessory building (gazebo).

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

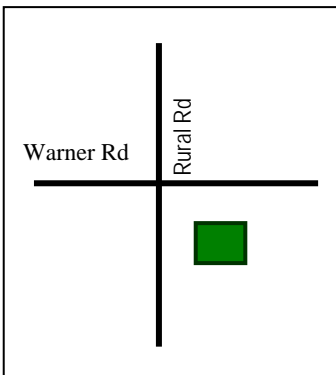
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-2

ADDITIONAL INFO: The Hamm Residence is requesting a use permit for a 210 s.f. detached accessory building (gazebo) to be located in the rear of residence, near the pool. Staff recommends approval of the use permit for a detached accessory building (gazebo); it is compatible with the existing residence and complies with the approval criteria for a use permit. To date, no public input has been submitted for this request.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevation plan
- 6-7. Staff Photograph(s)

COMMENTS:

The Hamm Residence is requesting a use permit for a 210 s.f. detached accessory building (gazebo) that will be located next to the pool. The applicant proposed detached accessory building (gazebo) will be compatible in design with the main dwelling and also colors to match the existing dwelling. The proposal of the detached accessory building (gazebo) will be located beyond the required side and rear yard setbacks which will be 29 feet (required standard 20 feet) on the west side and 60 feet (required standard 35 feet) in the rear. The structure would be used to provide shade around the pool area and an area for outside enjoyment during the hot summer months.

Use Permit

The Zoning and Development Code requires a use permit for accessory buildings that exceed eight (8) feet in height and/or exceed 200 s.f. in area. Staff recommends approval of the use permit for the 210 s.f. accessory structure (gazebo).

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This use, with conditions, should not create nuisances within this single family or surrounding neighborhood zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The 210 s.f. detached accessory building structure (gazebo) would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies. It is common for residences in the AG district to have detached accessory buildings such as the gazebo or a pool building.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit, subject to conditions of approval.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust vibration or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)
OF APPROVAL:

- 1. Obtain all necessary clearances from the Building Safety Division.
- 2. Detached structure shall be compatible in design with the main dwelling; colors to match existing dwelling.

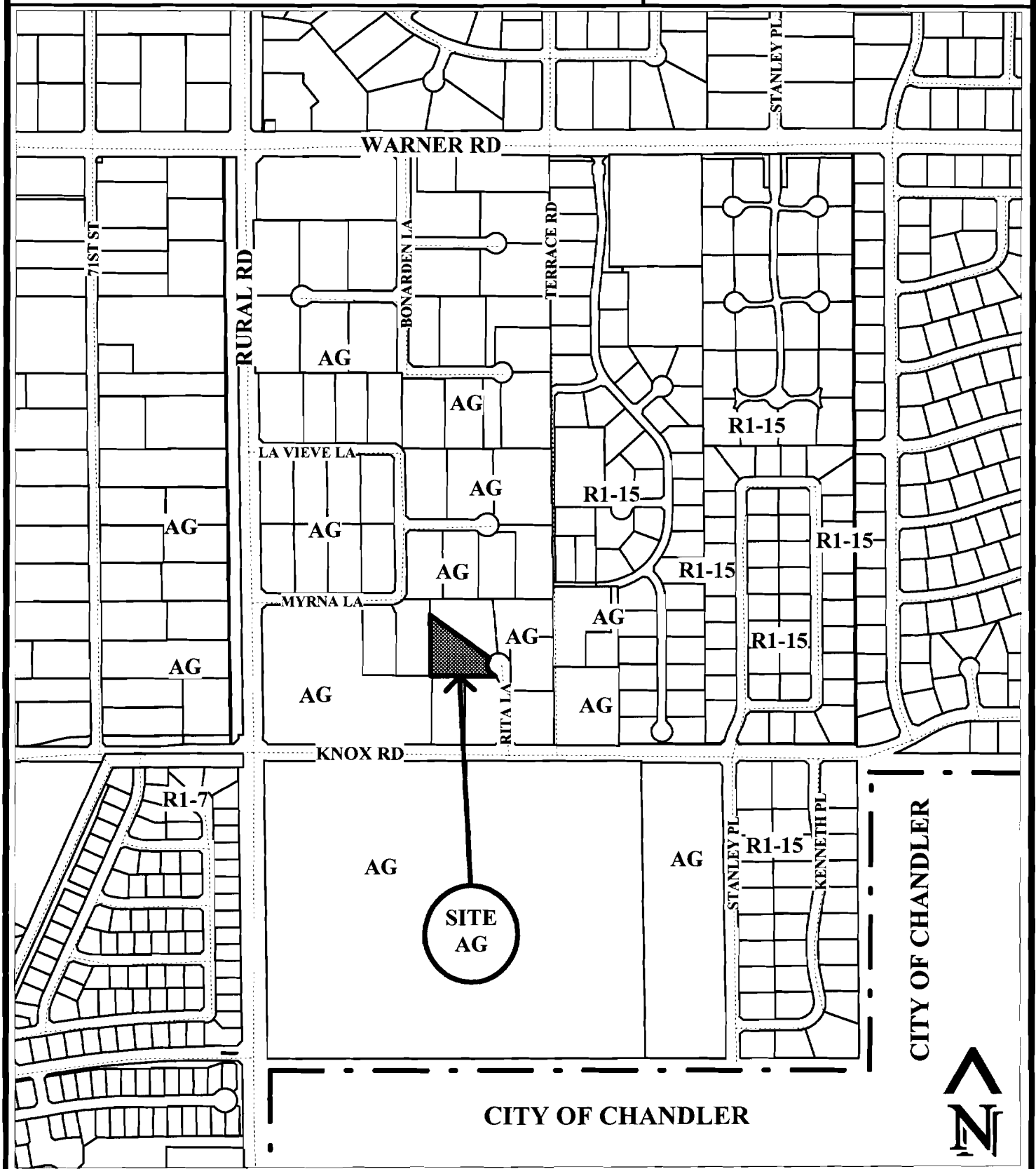
HISTORY & FACTS: Original dwelling built in 1998

DESCRIPTION: Owner – Kirt Hamm
Applicant – Dan Uribe / Uribe Ink Design Studios LLC/Southwest Ramadas
Existing Zoning – AG, Agricultural District
Lot Size – 4 3,425 s.f. /1 .00 Acres
Existing Home Area – 4,460 s.f.
Proposed Accessory Building (gazebo) – 210 s.f.
Maximum Lot Coverage – 25%
Lot Coverage (proposed) -- 19%
Required side yard setback - 20 feet
Required rear yard setback - 35 feet

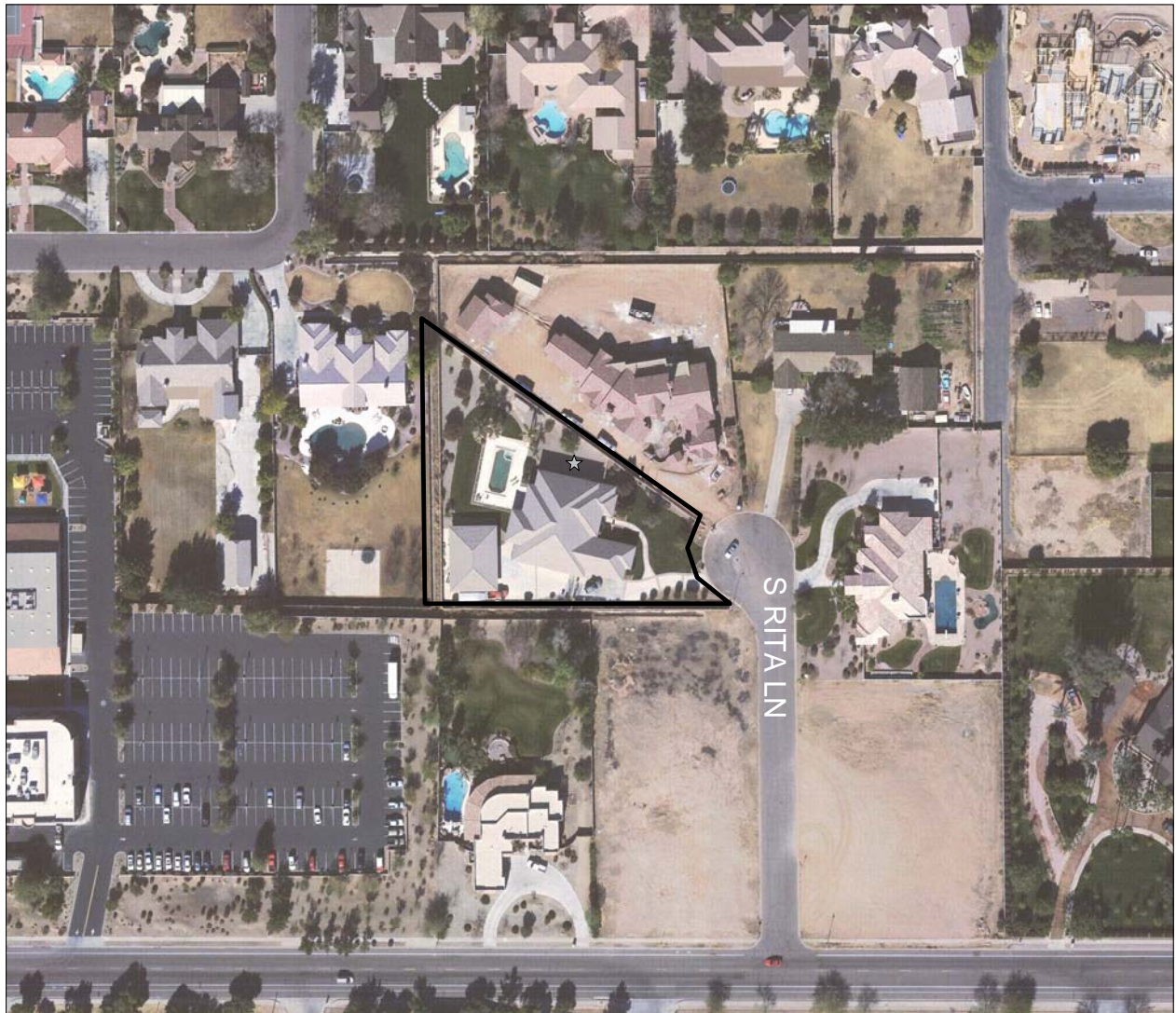
ZONING AND
DEVELOPMENT
CODE REFERENCE: Section 3-401- Accessory Buildings, Uses and Structures
Section 6-308 – Use Permits

HAMM RESIDENCE

PL070516



Location Map



HAMM RESIDENCE (PL070516)

LETTER OF EXPLANATION
FOR USE PERMIT

DATE: 11/28/2007

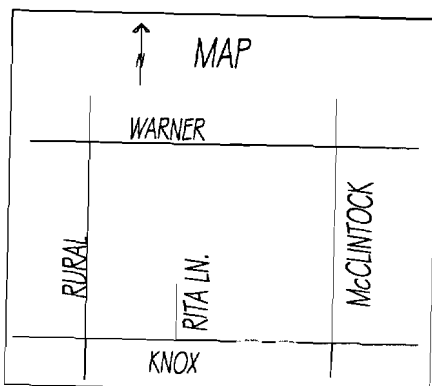
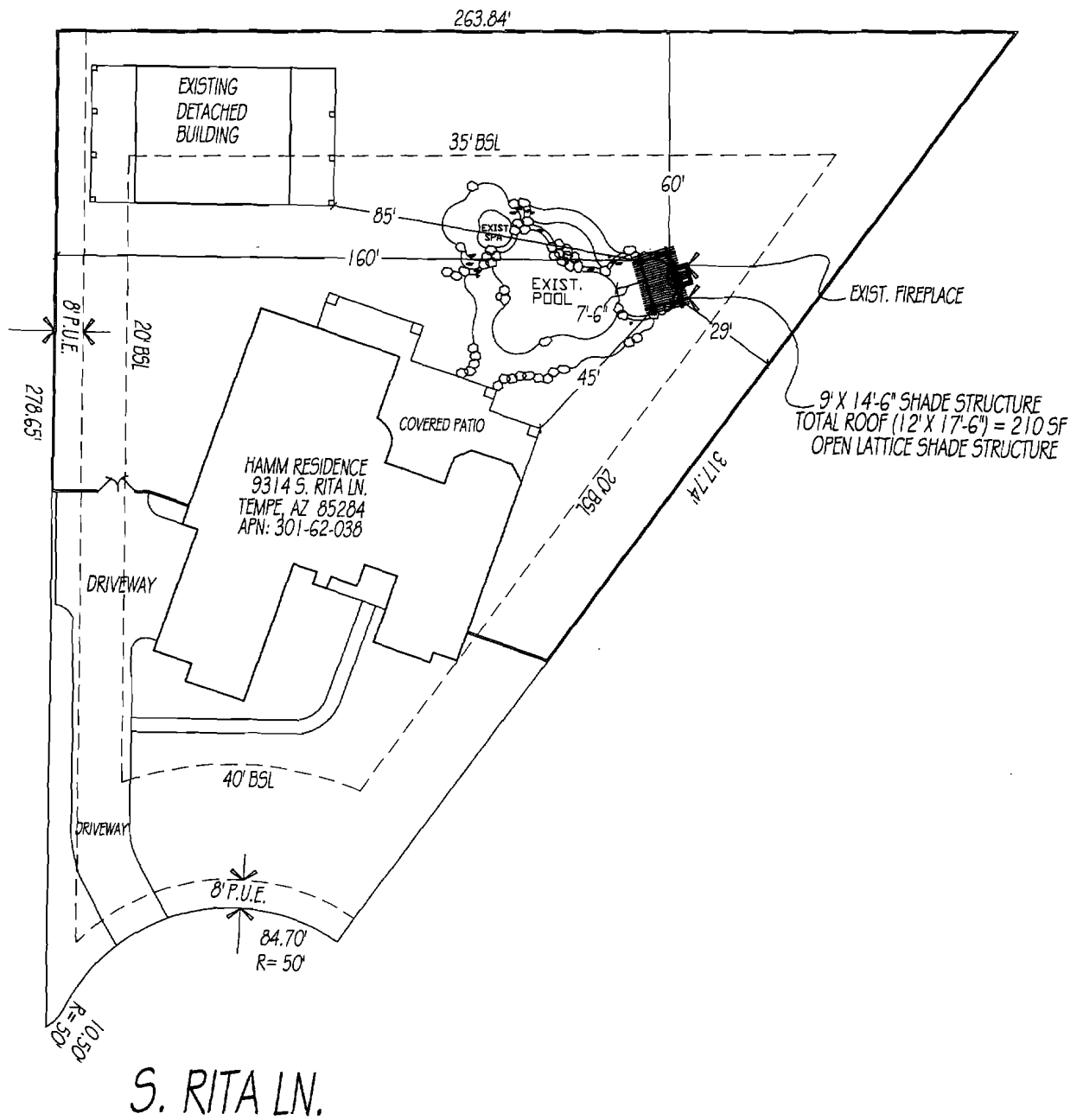
This is a letter of explanation of use for an open lattice ramada structure that will be built next to a pool in the backyard of the Hamm residence—address: 9314 S. Rita Ln.; Tempe, AZ 85284.

This proposed structure will not cause any significant vehicular or pedestrian traffic in adjacent areas because it will be built in the backyard of a single family residence. This proposed structure will not cause any nuisance (i.e. : odor, dust, gas, noise, vibration, smoke, heat or glare, etc.)—it will be built out of materials such as wood and block and will be finished to compliment the existing house. No lights will glare on adjacent neighbors. This structure will not contribute to the deterioration for the neighborhood or be in conflict with the goals, objectives and policies of the City—it was designed to enhance the overall look of the pool area in the backyard and will ultimately raise the value of the home; which will benefit the City and neighborhood. This structure was designed to conform and match the architecture of the house. This structure will be used mainly for aesthetics and for shade around the pool area. It will not result in any disruptive behavior which may create a nuisance to the surrounding area or general public—again, it will be used to enhance the beauty of the backyard a look great in next to the pool. This shade structure will be built to City code and will be located a min. of 29' from the nearest property line.

Thank you,

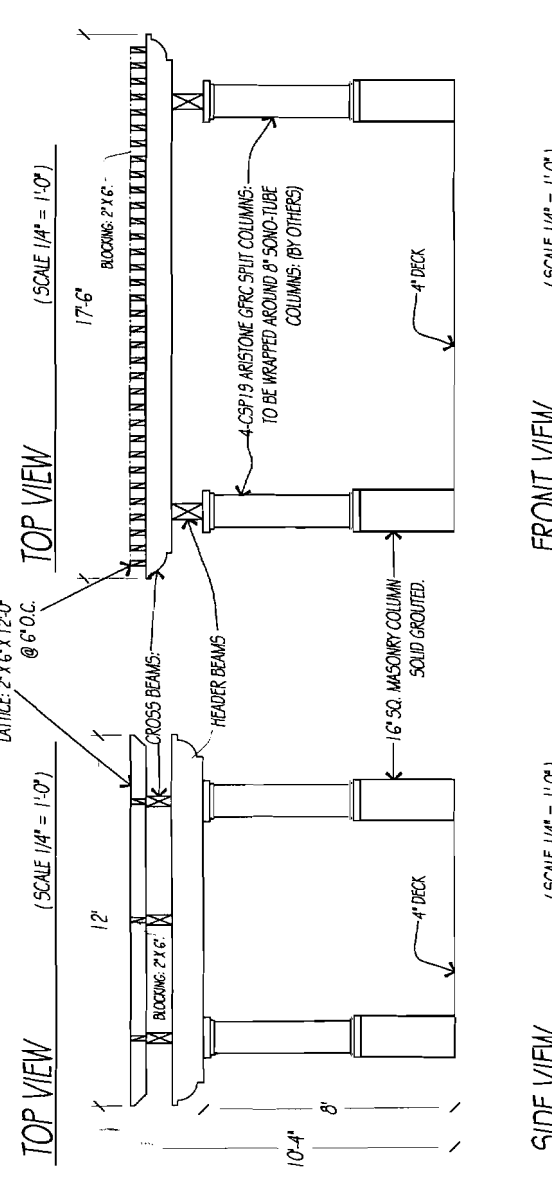
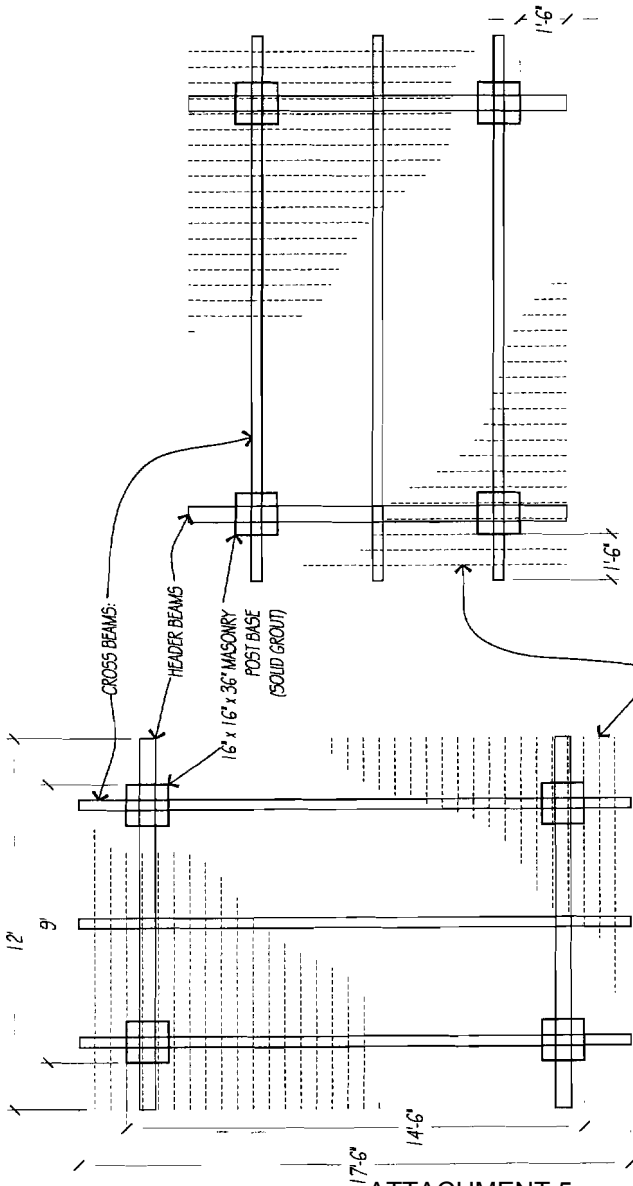
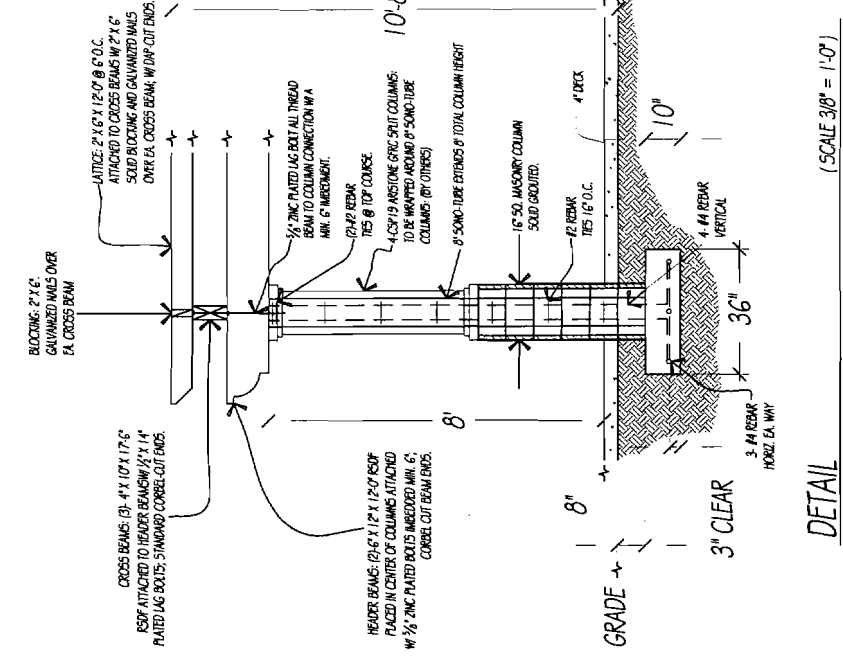
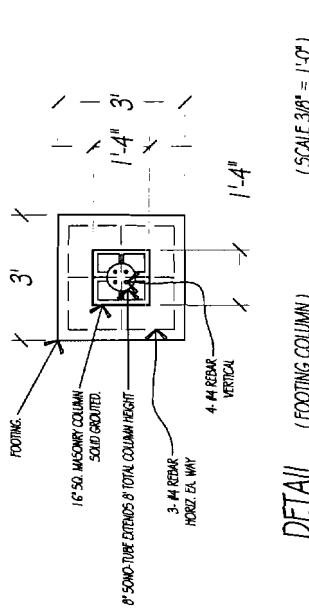


Dan Uribe
(Permit applicant)



SCALE: 1" = 30'-0"

HAMM RESIDENCE
9314 S. RITA LN.
TEMPE, AZ 85284
APN: 301-62-038





HAMM RESIDENCE

9314 S RITA LN

PL070516

FRONT OF RESIDENCE



HAMM RESIDENCE

9314 S RITA LN

PL070516

**REAR OF RESIDENCE: PROPOSED LOCATION
FOR ACCESSORY STRUCTURE (GAZEBO)**